

In claim 37, 5th line, please delete "genome".

In claim 25, 7th line, please delete "viral genome".

Please add new claims 42-49 as follows:

Claim 42. A vaccine comprising a pharmaceutically acceptable carrier and an amount of a mutant herpesvirus effective to elicit a protective immune response, said mutant herpesvirus containing a genome in which a viral gene encoding a protein which is essential for production of infectious virus has been deleted or inactivated, wherein said mutant virus is able to cause production of infectious new virus particles in a recombinant complementing host cell expressing a gene which complements said essential viral gene, but is unable to cause production of infectious new virus particles when said mutant virus infects a host cell other than said recombinant complementing host cell, for prophylactic or therapeutic use in generating an immune response in a subject infected therewith.

D' Claim 43. A vaccine comprising a pharmaceutically acceptable carrier and an amount of a mutant herpesvirus effective to elicit a protective immune response, said mutant herpesvirus containing a genome in which a viral gene encoding a protein which is essential for production of virus has been deleted or inactivated, wherein said mutant virus is able to cause production of new virus particles in a recombinant complementing host cell expressing a gene which complements said essential viral gene, but is unable to cause production of new virus particles when said mutant virus infects a host cell other than said recombinant complementing host cell, for prophylactic or therapeutic use in generating an immune response in a subject infected therewith.

Claim 44. A vaccine comprising a pharmaceutically acceptable carrier and an amount of a mutant herpesvirus effective to elicit a protective immune response, said mutant herpesvirus containing a genome in which a viral gene encoding a protein which is essential for replication of the virus has been deleted or inactivated, wherein said mutant virus is able to cause production of new virus particles in a recombinant complementing host cell expressing a gene which

complements said essential viral gene, but is unable to cause production of new virus particles when said mutant virus infects a host cell other than said recombinant complementing host cell, for prophylactic or therapeutic use in generating an immune response in a subject infected therewith

-- 45. A vaccine comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication defective, said mutated herpesvirus being present in an effective immunizing amount. --

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-- 46. The vaccine of claim 45, wherein said mutation prevents generation of progeny virus. --

-- 47. The vaccine of claim 45 wherein the herpesvirus is selected from the group consisting of HSV-1, HSV-2, VZV, EBV, CMV, HHV-6, HHV-7. --

-- 48. The vaccine of claim 47 wherein the herpesvirus is HSV-1 or HSV-2. --

-- 49. The pharmaceutical composition of claim 48 wherein the mutation is in the gene or genes encoding the proteins ICP8 or ICP27. --

REMARKS

Applicants have added new claims 42-49 in this response. Support for the new claims is found throughout the specification. Applicants believe that no new matter had been added with these changes. Pending in the present application are claims 1-9, 12-22, 25-27, 29, 31-49.

Claims 42, 43 and 44 have been presented for initiating an interference with U.S. Patent No. 5,665,362. In this regard, applicants have submitted with this response a Request for